

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

707 KAR 1:280-1:380, Revisions of the Kentucky Administrative Regulations for special education programs.

#### **Applicable Statute or Regulation:**

707 KAR 1:280-380, KRS 157.200, 157.220, 157.224, 157.226, 157.230, 157.250, 157.260, 157.270, 157.280, 157.290, 157.360, 158.030, 158.100, 158.150, 160.290, 20 U. S. C. § 1221 (e), 20 U.S. C. § 1400-1419, 34 CFR 300.1-300.818, KRS 156.070 (1), 156.160, 157.220, 157.260, 167.015

#### **Action Question:**

Should the Kentucky Board of Education give final approval to the revisions of the Kentucky Administrative Regulations for special education programs, 707 KAR 1:280-1:380?

#### **History/Background:**

**Existing Policy.** Subsequent to the passage of the Individuals with Disabilities Education Act of 2004, the U.S. Department of Education, Office of Special Education Programs, issued its special education regulations on August 14, 2006. As is required, Kentucky must amend the state's special education regulations in order to comply with the new federal regulations.

At its February 2007 meeting, the Kentucky Board of Education's Curriculum, Assessment and Instruction Committee reviewed the revisions to 707 KAR 1:280-1:380. Since that meeting, the Department has made revisions based on comments from that committee. In addition, the Department has continued to solicit and respond to a variety of individuals and groups concerning the specific language contained in the proposed special education regulations.

Changes made to the regulations since the February meeting are as follows:

<b>Change</b>	<b>Who Recommended the Change</b>	<b>Where in the Regulation</b>
Excusing of ARC member	LSAC and KSBA	707 KAR 1:320, page 5, line 18
Identification of what constitutes a reasonable effort taken by the LEA to discover the whereabouts of the parents	KSBA	707 KAR 1:340, page 7, line 2
Inviting of interim alternative placement staff to the ARC if the student has been placed in an interim alternative placement	Bonnie Freeman, KBE	707 KAR 1:340, page 22, line 12

#### **Staff Recommendations and Rationale:**

The Kentucky Department of Education (KDE) recommends the approval of the revised Kentucky Administrative Regulations for Special Education, 707 KAR 1:280-1:380. Revisions have been based on the final federal regulations for the Individuals with Disabilities Education Act of 2004, input from the Kentucky Department of Education's Curriculum, Assessment and Instruction Committee and feedback from the groups listed below.

#### **Groups Consulted and Brief Summary of Responses:**

Directors of Special Education  
Down Syndrome Association of Louisville  
KDE, Division of Exceptional Children  
Kentucky School Boards Association  
Kentucky Council for Administrators of Special Education  
Kentucky Council of Exceptional Children  
Local Superintendents Advisory Council  
Special Education Parent Conference  
State Advisory Panel for Exceptional Children  
United Partners in Kentucky

The regulations are based on majority responses from feedback and guidance from the United States Department of Education.

#### **Impact on Getting to Proficiency:**

Approval of the Kentucky Administrative Regulations for Exceptional Children will allow the Kentucky Department of Education to provide to local school districts the

guidance needed to comply with federal regulations and develop programs for exceptional children that promote increased achievement.

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Deputy Commissioner

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Interim Commissioner of Education

**Date:**

April 2007